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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/745,606  | 12/20/2000  | Yuko S. Nishikawa    | 71709 7114          | 1200             |
| 22242 7590 12/10/2008<br>FITCH EVEN TABIN AND FLANNERY<br>120 SOUTH LA SALLE STREET<br>SUITE 1600<br>CHICAGO, IL 60603-3406 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| SHANG, ANNAN Q  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/745,606

**Applicant(s)**

NISHIKAWA ET AL.

**Examiner**

ANNAN Q. SHANG

**Art Unit**

2424

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-11 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. In view of the Appellant' Pre-Brief filed on 04/25/08, with respect to 1-11 and 14-21, PROSECUTION IS HEREBY REOPENED. The last office action has been withdrawn and a new ground(s) or rejection is hereby being made as set forth below.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chor et al (6,141,003)** in view of **Beatty (6,336,053)**.

As to claims 1-2, note **Chor et al** reference figures 2, 3 and 5-7, disclose channel bar user interface for an entertainment system and further disclose method for selectively storing data associated with a broadcast channel capable of being received and displayed by an entertainment system (Viewer Computing Unit 'VCU' 50), the method comprising:

the claimed "receiving programming data associated with the channel" is met by Receiver (REC) 88 (fig. 3, col. 3, lines 35-56 and col. 4, lines 17-42) which receives conventional television broadcast signals including IPG "programming" data which includes descriptions, etc., associated with the channel from a Broadcast source via

wireless data link, Internet, hybrid fiber coax, etc., and displays a current program, TV show, a movie, news, sports, etc., on TV display 62 (fig. 2 and col. 3, lines 57-67);

Chor further teaches displaying IPG 64 (figs. 2 and 4-6) associated with storing of the channel in Memory (MM) 82 (e.g. RAM) including displaying an add icon 132 that is selectable for adding channel(s) Favorite or Watched channel list stored in MM-82 when the current channel is not stored in MM-82 and includes Favorite Channels "a mark" icon that is selectable for listing channels previously selected for adding to MM-88 (figs. 5-7, col. 6, lines 8-col. 7, line 9 and col. 9, lines 1-21); where a user, uses Remote Control (RC) 56, Mouse 60, Keyboard etc., (col. 3, lines 40-45) to select to load IPG 64 of the channel associated with the TV Show currently being displayed into MM-88 of VCU-50 (a television with a STB) and loads the programming data associated with the channel currently being displayed into MM-88 (col. 3, line 57-col. 4, line 16, col. 5, lines 29-55, line 64-col. 6, line 8 and col. 7, lines 10-55).

Chor teaches a default "add" icon (item 132) to add channels and further teaches that the viewer can reconfigure the channels through a simple menu interface which allows the viewer to add or remove icons, such as removal of favorite icons (figs.2, 4-7, col.9, lines 1-21).

Chor does not forcefully disclose a "remove" icon, However, **Beatty** discloses a remove icon in place of and add icon (fig.11, Item number 1028 and col.27, lines 15-30), which recites "...bar menu...except that the ADD button 1022 is active, rather than disabled, in the menu bar 1210 and that the RETIRE button 1028 is replaced with a DELETE button, which is grayed out..."

Hence it would have been obvious to one of ordinary a skilled artisan to at least create "remove" icon so as to replace the "add" icon with the remove icon for facilitating removal of channels. Furthermore when choosing programs and channels it is well established that a user will make mistakes and/or change his/her mind and no longer want to save a channel or watch a program, therefore replacing an "add" icon with a "remove" icon is obvious, especially when there is no space to add an additional icon to be displayed on the graphical user interface (GUI), due to size constraints.

As to claim 3, Chor further discloses removing a current channel from the list of stored channels (col. 9, lines 1-21).

As to claim 4, Chor further discloses selecting for display, a list of stored favorite of watched channels and displaying the list of stored channels (fig. 6, line 32-col. 7, line 9).

As to claim 5, Chor further discloses navigating through the list of stored channels (col. 3, lines 57-67 and col. 8, lines 5-18).

As to claim 6, Chor further discloses receiving IPG data comprises a digital bit stream including the IPG data includes sensory data corresponding to the IPG data (figs. 2, 4-7, col. 4, lines 1-16, col. 5, lines 5-col. 6, line 7 and line 45-col. 7, line 9).

As to claim 7, Chor further discloses where adding the IPG data to the favorite list comprises, executing software by CPU 54 (col. 4, lines 17-26), implemented within the VCU 50 produces IPG 64 (figs. 2, 4-7), and selects an option icon of Channel Setting screen to prompt select the channel to add or remove to/from storage in MM-88 (col. 8, line 39-col. 9, line 21).

As to claim 8, Chor further discloses adding or saving the IPG data into MM-88 includes adding the channel number information and source (col. col. 8, line 39-col. 9, line 21)

As to claim 9, Chor further discloses selecting for display, a list of the favorite channels, selecting an option to cause VCU 50 to tune to a channel in the favorite list of the stored favorite channels to display a television program corresponding to the channel (col. 6, line 32-col. 7, line 30).

As to claim 10, Chor further discloses selecting an option to exit IPG to return to the current television programming (fig. 7, col. 8, lines 39-67 and col. 10, lines 7-34).

As to claim 11, note **Chor et al** reference figures 2, 3 and 5-7 disclose channel bar user interface for an entertainment system and further disclose an entertainment system (Viewer Computing Unit 'VCU' 50), the method comprising:

the claimed "a display monitor" is met by TV Display 62 of VCU-50, a television with a STB (fig. 2 and col. 3, lines 35-48);

the claimed "a broadcast receiver coupled to display monitor..." is met by Receiver (REC) 88 (fig. 3, col. 3, lines 35-56 and col. 4, lines 17-42) which is coupled to TV-D 62, the REC-88 includes a front-end unit capable of receiving conventional television broadcast data including IPG "programming" data which includes descriptions, etc., associated with the channel from a Broadcast source or Cable Headend via wireless data link, Internet, hybrid fiber coax, etc., and displays on TV-D 62, a current program, TV show, a movie, news, sports, etc., (fig. 2 and col. 3, lines 57-67), Memory (MM) 88 (e.g. RAM) for storing IPG 64 (figs. 2 and 4-6) associated with

channel(s) in MM-82, Central Processing Unit (CPU) 54 coupled to MM-88 and CPU 54 coupled to receive IPG 64 associated with a broadcast channel (fig. 3 and col. 4, lines 17-42), CPU 54 executes a software to load IPG data associated with the channel currently being displayed into MM-88, and displays IPG 64 on TV-D 62, the IPG 64 includes an add icon 132 "first icon" (figs 5-7 and col. 9, lines 1-21) that is selectable to add the current channel to a favorite list of channels stored in MM-82, when the current channel is not included in the favorite channel list and including Favorite Channels "a mark" icon that is selectable for listing channels previously selected for adding to MM-88 (col. 5, lines 29-55, col. 6, lines 8-col. 7, line 9 and col. 7, lines 10-55); where a user of Remote Control (RC) 56 or Mouse 60, etc., to perform these various functions (col. 3, lines 40-45, line 57-col. 4, line 16).

Chor teaches a default "add" icon (item 132) to add channels and further teaches that the viewer can reconfigure the channels through a simple menu interface which allows the viewer to add or remove icons, such as removal of favorite icons (figs.2, 4-7, col.9, lines 1-21).

Chor does not forcefully disclose a "remove" icon, However, **Beatty** discloses a remove icon in place of and add icon (fig.11, Item number 1028 and col.27, lines 15-30), which recites "...bar menu...except that the ADD button 1022 is active, rather than disabled, in the menu bar 1210 and that the RETIRE button 1028 is replaced with a DELETE button, which is grayed out..."

Hence it would have been obvious to one of ordinary a skilled artisan to at least create "remove" icon so as to replace the "add" icon with the remove icon for facilitating

removal of channels. Furthermore when choosing programs and channels it is well established that a user will make mistakes and/or change his/her mind and no longer want to save a channel or watch a program, therefore replacing an "add" icon with a "remove" icon is obvious, especially when there is no space to add an additional icon to be displayed on the graphical user interface (GUI), due to size constraints.

As to claims 14 and 15, Chor further discloses where VCU 50 includes television receiver or STB and IRD (fig. 3 and col. 3, lines 35-67).

As to claim 16, Chor further discloses where VCU 50 CPU 54 executes software to add the currently displayed channel to the favorite or watched channel list stored in MM-88 when CPU 54 detects a selection of the add icon (col. 6, line 32-col. 7, line 21 and col. 8, line 39-col. 9, line 21).

As to claims 17-20, Chor further discloses where TV-D 62 further comprises various icons that are selectable to display IPG of watched or favorite channels stored in MM-88, which further comprises graphical portion, scrollable, which displays a show corresponding to a channel in the list during scrolling and further includes text portion, which includes a description of TV show corresponding to the channel and where the various icons are selectable to exit the IPG (col. 6, line 32-col. 7, line 21, col. 8, line 39-col. 9, line 21 and line 46-col. 10, line 24).

As to claim 21, Chor further discloses where the second menu further comprising an instruction displayed in the graphical portion and superimposed over the show displayed in the graphical portion with the instructions defining how to perform various operation, i.e., find show, sign on, TV Off, start, etc., and dynamic changing information



that instructions or provide additional information to direct a user how to perform an operation (figs.4-7, col.4, lines 1-16, col.5, lines 5-39, line 64-col.6, line 43 and col.8, lines 39-67)

Chor is silent as to instruction to display the channel depicted in the graphical portions.

However, Chor discloses providing various instructions as to how to perform some operations, i.e., Find show (tune to a show), Sign on, TV Off, Start, etc. as discussed above.

Hence it would have being obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chor to include an additional instruction to display the channel (to tune to or select a channel displayed in the menu or bar) depicted in the graphical portions in order to direct or inform the user how to performing other operations.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2424

**Annan Q. Shang**